

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MAY 09 2016

JULIA C. DUNLEY, CLERK
BY: *D. Dunley*
DEPUTY CLERK

EDWIN MILLER,) CASE NO. 7:15CV00634

Plaintiff,)
v.) ORDER

HAROLD CLARKE, ET AL.,) By: Hon. Glen E. Conrad
Defendants.) Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Defendants' motion to dismiss the complaint (ECF No. 18) is **GRANTED**; plaintiff's complaint as to his claims for monetary damages under RLUIPA and his claims against defendants in their official capacity under RLUIPA and § 1983 is **DISMISSED** with prejudice, but as to all other claims, the complaint is **DISMISSED** without prejudice to plaintiff's submission of an appropriate amended complaint;
2. Plaintiff's "motion for summary judgment" (ECF No. 25) is **DENIED**; and
3. Plaintiff is hereby **GRANTED** until June 1, 2016, to submit an amended complaint to correct the deficiencies noted in the court's opinion this day. In the alternative, plaintiff may move to withdraw this action without prejudice to his refiling of his claims at some later time in a new and separate civil action within the time limits allowed by statute.

ENTER: This 9th day of May, 2016.

Glen Conrad

Chief United States District Judge